

#3
Notice re
Litigation

REISSUE LITIGATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
JACQUES QUELLAIS ET AL. : GROUP ART UNIT:
REISSUE OF USP 6,079,125 :
ISSUED: JUNE 27, 2000 : EXAMINER:
FOR: MULTILAYER SOLE
FOR SPORT SHOES

PRELIMINARY REMARKS

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

I. CONCURRENT LITIGATION

A complaint for a Declaratory Judgment has been filed by Wolverine World Wide, Inc. on September 14, 2001 in the U.S. District Court, Western District of Michigan, but not yet served on the patent owner. **It is Applicant's desire that the present application be examined at this time.** MPEP § 1442.02(D).

II. STATEMENT UNDER 37 C.F.R. § 1.173(c)

Original Claims 1-27 remain unamended. New Claims 28-29 are being introduced. New Claim 28 corresponds to Claim 1 but clarifies the extent of the intermediate layer in paragraph (c). Specifically, Claim 28 clarifies that the intermediate layer extends over substantially an entire surface of said ground contact layer which is located directly beneath a foot of a person wearing the sport shoe. Basis for this can be found, for example in Figures 7-8 and Figures 15-16.

New Claim 29 corresponds to Claim 1 but recites in paragraph (c) that the